

IDEA '97 FINAL REGULATIONS AN OVERVIEW

The Individuals with Disabilities Education Act Amendments of 1997, enacted on a strong bipartisan basis, significantly improved the educational opportunities for children with disabilities. The IDEA '97 focuses on teaching and learning, and established high expectations for disabled children to achieve real educational results.

The focus of IDEA changed from one that merely provided disabled children access to an education to one that improves results for all children in our education system. The IDEA '97 strengthens the role of parents in educational planning and decision making on behalf of their children. It focuses the student's educational planning process on promoting meaningful access to the general curriculum. The new law also reduces the burden of unnecessary paperwork for teachers and school administrators. All of this was accomplished without compromising the Clinton/Gore Administration's fundamental principle of protecting the basic rights of children with disabilities to a free appropriate public education.

In October of 1997, the Department of Education published proposed regulations that drew nearly 6,000 comments from across the educational and political spectrums. After careful consideration, the Department has made various changes to nearly 60 percent of the sections included in the proposed rules.

The Department of Education has prepared a user-friendly package of final regulations designed to help parents, teachers and school administrators understand the federal expectations for educating children with disabilities, as set forth in the law. The package of regulations merely reflects the good changes made by Congress in the IDEA '97. The final IDEA '97 regulations appear in the March 12th *Federal Register*.

* The actual text of the regulations only comprise a quarter of the package, and includes the text of the statute;

* Two-thirds of the package is the Department's analysis of the nearly 6000 comments and other required items; and,

* Technical assistance documents make up the remainder of the package.

The Department concluded that neither the statutory requirements nor the non-statutory requirements of these regulations have a major cost impact on school districts. However, because several provisions, when looked at individually, do have a major impact on schools, the Office of Management and Budget determined that the regulation has been

designated as a major rule. For example, the Department estimates that school districts will realize savings in excess of \$100 million from changes made by the IDEA '97 that eliminate unnecessary evaluations, every three years, to determine whether a child still has a disability. However, these and other savings would be offset by increased costs associated with such changes as the requirement for the regular education teacher to participate in IEP meetings.

As a whole, these regulations merely interpret the many changes Congress made in the law with the IDEA Amendments of 1997. This regulatory package offers some very needed federal assistance to those working to improve educational results for all children.

The Department of Education will provide specific and ongoing technical assistance. For the next few months, those technical assistance efforts will be specific to the statute and accompanying regulations. Ongoing technical assistance activities will incorporate specific and appropriate research-based practices that work. Immediate technical assistance plans include:

- * **National Satellite Teleconferences:** The Department of Education, in collaboration with four IDEA Partnership Projects, will present national satellite telecasts on [March 3rd](#) and [March 18th](#). Designed to help parents and practitioners in states, districts, and local schools, this series of two teleconferences will address key issues surrounding effective implementation of the IDEA '97.

- * **Workshops:** The Department of Education is sponsoring six regional workshops on the IDEA '97. They are scheduled through April and will be hosted by the Regional Resource Centers. The workshops will provide accurate, up-to-date information regarding the statutory provisions of the IDEA '97 and the final regulations implementing the statutory provisions. These workshops will be interactive and offer a full discussion of the changes made from proposed to final regulations. The audience for these workshops has been carefully determined. Invitees will include State Directors of Special Education and members of their staffs, Directors of Parent Training and Information Centers and members of their staffs, State Hearing Officers and mediators, State Advisory Panel members, Independent Living Center representatives, the Secretary's Regional Representatives, Technical Assistance Providers, members of the State Implementation and Monitoring Committees and other invited participants.

- * **Additional Activities:** In addition to the teleconferences and technical assistance workshops mentioned above, OSERS is planning a wide range of other dissemination and training activities. These activities will be designed to bring information about IDEA '97 changes to the grass roots level, and provide examples of how research-based best practices can be used to help effectively implement the law. OSERS will use state of the art technology to reach principals, special education administrators, and parents.

The Department recently funded four "[IDEA Partnership Projects](#)" with the intent of developing statutory and regulatory expertise among our key partners. These Projects focus on policymakers, local administrators, service providers and educators, and families and advocates. The Department will enlist these partnership projects in further information dissemination and technical assistance activities.

For further information about the IDEA '97 statute and implementing regulations, contact the Department of Education at 202-205-5465 or 202-205-5507, or visit the Department's website at <http://www.ed.gov/offices/OSERS/IDEA/>.

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